

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-07-3836
	§	
\$48,751.33 in US CURRENCY SEIZED	§	
FROM BANK OF AMERICA ACCOUNT	§	
NO*0262,	§	
	§	
Defendant.	§	

ORDER ENTERING DEFAULT JUDGMENT

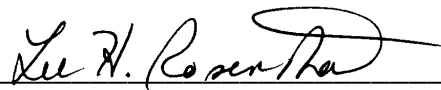
This is a civil forfeiture action against currency seized in conjunction with a criminal Medicare fraud case involving five defendants. Acting under a valid seizure warrant, the Internal Revenue Service seized \$48,751.33 from a Bank of America account in the name of Raed Elmasri, a fugitive defendant in the criminal case. The government filed a complaint for forfeiture in rem on November 14, 2007. (Docket Entry No. 1). Under Rule G(4)(a)(iv)(A) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, the government published notice of the forfeiture action in the *Houston Chronicle*, a newspaper of general circulation in this district, once a week for three weeks beginning July 26, 2007. The government made extensive efforts to serve Raed Elmasri with a copy of the forfeiture complaint, including mailing it to his last known address, mailing it to the last known address of his spouse, delivering a copy to an attorney who had represented him in a previous matter, and sending an e-mail, with the complaint attached, to the e-mail address provided by that attorney. The government also provided notice to individuals who reasonably appeared to be potential claimants by serving a copy of the forfeiture complaint on

counsel for four of the five defendants in the criminal case and on counsel for an unindicted associate of two of the defendants, Will Smith.

In a civil forfeiture action, a person who claims an interest in or right against the defendant property must file a verified claim within 30 days after the earlier of the date of service of the complaint or the completion of the publication notice. SUPP. R. G(5)(a). The claim must identify the specific property claimed, identify the claimaint, and state the claimant's interest in the property. SUPP. R. G(5)(a)(i). The claim must be timely filed in the forfeiture action, and followed by a timely answer or motion under Rule 12 of the Federal Rules of Civil Procedure. SUPP. R. G(5) (a)(ii), (b). The only answer in this case was filed by Will Smith, individually and on behalf of Abdallah & Smith and Unico International, Inc. Smith withdrew his claim on July 10, 2009. (Docket Entry No. 26). No other potential claimants have answered and the time for filing is past.

The government has filed a motion for entry of default and for default judgment against the defendant currency. (Docket Entry No. 29). The motion is granted. The government filed a forfeiture complaint and provided proper notice, and no answer has been filed. This court grants the government's motion for a default judgment of forfeiture with respect to the defendant currency. Final judgment is entered by separate order.

SIGNED on September 11, 2009, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is positioned above a horizontal line.

Lee H. Rosenthal
United States District Judge